

4. Payment of the judgment for damages obtained pursuant to subsection 1 entitles the lessee to the use and possession of the goods not then disposed of for the remaining lease term of and in accordance with the lease agreement.

5. After default by the lessee under the lease contract of the type described in section 554.13523, subsection 1 or section 554.13523, subsection 3, paragraph "a" or, if agreed, after other default by the lessee, a lessor who is held not entitled to rent under this section must nevertheless be awarded damages for nonacceptance under section 554.13527 or section 554.13528.

Sec. 82. NEW SECTION. 554.13530 LESSOR'S INCIDENTAL DAMAGES.

Incidental damages to an aggrieved lessor include any commercially reasonable charges, expenses, or commissions incurred in stopping delivery, in the transportation, care and custody of goods after the lessee's default, in connection with return or disposition of the goods, or otherwise resulting from the default.

Sec. 83. NEW SECTION. 554.13531 STANDING TO SUE THIRD PARTIES FOR INJURY TO GOODS.

1. If a third party so deals with goods that have been identified to a lease contract as to cause actionable injury to a party to the lease contract (i) the lessor has a right of action against the third party, and (ii) the lessee also has a right of action against the third party if the lessee:

- a. has a security interest in the goods;
- b. has an insurable interest in the goods; or
- c. bears the risk of loss under the lease contract or has since the injury assumed that risk as against the lessor and the goods have been converted or destroyed.

2. If at the time of the injury the party plaintiff did not bear the risk of loss as against the other party to the lease contract and there is no arrangement between them for disposition of the recovery, the plaintiff party's suit or settlement, subject to party plaintiff's own interest, is as a fiduciary for the other party to the lease contract.

3. Either party with the consent of the other may sue for the benefit of whom it may concern.

Sec. 84. NEW SECTION. 554.13532 LESSOR'S RIGHTS TO RESIDUAL INTEREST.

In addition to any other recovery permitted by this Article or other law, the lessor may recover from the lessee an amount that will fully compensate the lessor for any loss of or damage to the lessor's residual interest in the goods caused by the default of the lessee.

Approved April 8, 1994

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## CHAPTER 1053

### REINSTATEMENT PERIOD FOR CERTAIN ADMINISTRATIVELY DISSOLVED CORPORATIONS

*H.F. 2342*

**AN ACT** relating to the time limit for an administratively dissolved corporation to file for reinstatement and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 490.1422, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding the reinstatement period established in subsection 1, a corporation administratively dissolved after December 31, 1984, which files an application for reinstatement prior to January 1, 1996, containing the information required under

subsection 1, shall be treated as if its application had been timely filed under subsection 1. In this case, the secretary of state shall process the application pursuant to subsection 2 and, if a certificate of reinstatement is issued, the provisions of subsection 3 shall apply.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 8, 1994

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## CHAPTER 1054

### HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIOLOGICAL STUDIES

*H.F. 2353*

**AN ACT** providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 141.23A, Code 1993, is amended to read as follows:

141.23A HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIOLOGICAL ~~BLINDED~~ STUDY STUDIES.

1. ~~Notwithstanding section 141.8 regarding informed consent and reporting requirements, and section 141.22 regarding informed consent and preliminary and posttest counseling, the Iowa~~ The department of public health or its agent with the approval of the state board of health may conduct through the expenditure of federal grant moneys allocated for this purpose an epidemiological blinded study of newborns and nonblinded studies to determine the incidence and prevalence of the human immunodeficiency virus infection. Initiation of any new epidemiological studies shall be contingent upon the receipt of funding sufficient to cover all the costs associated with the studies.

2. ~~All~~ In blinded studies personal identifiers shall be permanently stripped from the specimens selected prior to testing for the human immunodeficiency virus infection. The informed consent and reporting and counseling requirements of sections 141.8 and 141.22 do not apply.

For the purposes of this section, "blinded epidemiological ~~blinded~~ study studies" means a study studies in which blinded specimens which were collected for other purposes are selected according to established criteria, are permanently stripped of personal identifiers, and are then tested.

For the purposes of this section, "nonblinded epidemiological studies" means studies in which specimens are collected for the express purpose of testing for the human immunodeficiency virus infection and persons included in the nonblinded study are selected according to established criteria. Sections 141.8 and 141.22 apply to nonblinded epidemiological studies.

Approved April 8, 1994